



CASE 50018A

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Box: Missing Parts, United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202.

Melissa Hardy

Type or Print Name

*June 6, 2002*

Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

ART UNIT: 1638

PASCAL ET AL.

APPLICATION NO: 10/087,167

CONFIRMATION NO: 4256

FILED: 03/01/2002

FOR: Control of Gene Expression in Plants

Box: Missing Parts  
U.S. Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NONPROVISIONAL APPLICATION**

Sir:

The Notice to File Missing Parts of Nonprovisional Application Filed Under 37 CFR 1.53(b) - Filing Date Granted mailed April 22, 2002 (a copy of which is enclosed) has a shortened statutory period for reply that is set to expire on June 22, 2002.

In response, Applicant now submits an original or copy of a fully executed Declaration and Power of Attorney. Please charge the \$130.00 surcharge fee under 37 CFR § 1.16(e) to Applicant's credit card. A Credit Card Payment Form is enclosed for fee purposes.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR § 1.17 which may be required, or credit any overpayment, to Account No. 50-1744 in the name of Syngenta Biotechnology, Inc.

Respectfully submitted,



Randee S. Schwartz  
Attorney for Applicants  
Reg. No. 45,085  
Phone: (919) 765-5098

Syngenta Biotechnology, Inc.  
Patent Department  
3054 Cornwallis Road  
Post Office Box 12257  
Research Triangle Park, NC 27709-2257

Date: *June 5, 2002*



Approved for use through 10/31/2002. OMB 0651-0332  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

V5imp

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEET TRANSMITTAL for FY 2002

\*Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** **130.00**

## Complete If Known

Application Number	10/087,167
Filing Date	03/01/2002
First Named Inventor	Pascal
Examiner Name	
Group Art Unit	1638
Attorney Docket No.	50018A

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account

Deposit Account Number	
Deposit Account Name	

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

#### Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

**SUBTOTAL (1) (\$)**

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	<input type="text"/> X <input type="text"/> = <input type="text"/>	
			-3** =	<input type="text"/> X <input type="text"/> = <input type="text"/>	
				<input type="text"/> = <input type="text"/>	

#### Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)**

\*\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

#### Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$)** **130.00**

## SUBMITTED BY

Name (Print/Type)	Randee Schwartz	Registration No. (Attorney/Agent)	45,085	Telephone	919-765-5098
Signature		Date	6/5/02		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization in PTO-2038.**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/087,167	03/01/2002	Erica J. Pascal	50018A

22847  
 SYNGENTA BIOTECHNOLOGY, INC.  
 PATENT DEPARTMENT  
 3054 CORNWALLIS ROAD  
 P.O. BOX 12257  
 RESEARCH TRIANGLE PARK, NC 27709-2257



## CONFIRMATION NO. 4256 FORMALITIES LETTER



\*OC00000007925707\*

Date Mailed: 04/22/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

### FILED UNDER 37 CFR 1.53(b)

06/12/2002 R/SAYASI1 00000102 10087167

01 FC:105

130.00 DP

*Filing Date Granted*

### Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

### SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

*A copy of this notice **MUST** be returned with the reply.*



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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE